

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE ENROLLED ACT No. 1169

AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 36-8-12-2, AS AMENDED BY SEA 40-1999, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. As used in this chapter:

"Nominal compensation" means annual compensation of not more than ten thousand dollars (\$10,000).

"Responsible party" has the meaning set forth in IC 13-11-2-191(d).

"Volunteer fire department" means a department or association organized for the purpose of answering fire alarms, extinguishing fires, and providing other emergency services, the majority of members of which receive no compensation or nominal compensation for their services.

"Volunteer firefighter" means a firefighter:

- (1) who, **as a result of a written application**, has ~~volunteered~~ to assist either without compensation or for nominal compensation in fighting all fires occurring and providing other emergency services within the corporate boundaries of the unit of which the firefighter is an assigned member; **been elected or appointed to membership in a volunteer fire department;**
- (2) who has ~~made application in writing for membership in the~~ volunteer fire department of the unit; **executed a pledge to**

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faithfully perform, with or without nominal compensation, the work related duties assigned and orders given to the firefighter by the chief of the volunteer fire department or an officer of the volunteer fire department, including orders or duties involving education and training as prescribed by the volunteer fire department or the state; and

~~(3) who by virtue of that application is elected or appointed to membership in that volunteer fire department;~~

~~(4)~~ **(3)** whose name has been entered on a roster of volunteer firefighters that is kept by the volunteer fire department and that has been approved by the proper officers of the unit. ~~and~~

~~(5) who at the time of the firefighter's election or appointment has taken and signed a pledge to comply with all orders that are given by the chief, assistant chief, or other officer in charge of the volunteer fire department relative to any matter pertaining to the work of the volunteer fire department.~~

SECTION 2. IC 36-8-12-7, AS AMENDED BY SEA 40-1999, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 7. Each policy of insurance must provide for payment to a member of a volunteer fire department, for accidental injury or smoke inhalation caused by or occurring in the course of the performance of the duties of a volunteer firefighter and for a cardiac disease event proximately caused within forty-eight (48) hours by or occurring in the course of the performance of the duties of a volunteer firefighter while in an emergency situation, as follows:

(1) For total disability that prevents the member from pursuing his usual vocation, a weekly indemnity of not less than ~~one~~ **two** hundred fifty dollars ~~(\$150)~~, **(\$250)**, up to a maximum of two hundred sixty (260) weeks.

(2) For medical expenses, coverage for incurred expenses. However, the policy may not have medical expense limits of less than seventy-five thousand dollars (\$75,000).

SECTION 3. IC 36-8-12-8, AS AMENDED BY SEA 40-1999, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 8. (a) The policy of insurance required by section 6 of this chapter must provide for the payment of a sum not less than one hundred fifty thousand dollars (\$150,000) to the beneficiary, beneficiaries, or estate of a volunteer firefighter if the firefighter dies from an injury or smoke inhalation occurring while in the performance of the firefighter's duties as a volunteer firefighter or from a cardiac disease event proximately caused within forty-eight (48) hours by or occurring while in the performance of the firefighter's duties as a



volunteer firefighter. ~~while in an emergency situation.~~

(b) The policy of insurance must provide for the payment of a sum not less than ~~sixty~~ **one hundred fifty** thousand dollars ~~(\$60,000)~~ **(\$150,000)** to the volunteer firefighter if the firefighter becomes totally and permanently disabled for a continuous period of not less than two hundred sixty (260) weeks as a result of an injury or smoke inhalation occurring in the performance of the firefighter's duties as a volunteer firefighter.

(c) The policy of insurance must also provide for indemnification to a member of a volunteer fire department who becomes partially and permanently disabled or impaired as a result of an injury or smoke inhalation occurring in the performance of the firefighter's duties.

(d) For the purposes of this section, partial and permanent disability or impairment shall be indemnified as a percentage factor of a whole person.

(e) In addition to other insurance provided volunteer firefighters under this chapter, each unit shall be covered by an insurance policy that provides a minimum of three hundred thousand dollars (\$300,000) of insurance coverage for the liability of all of its volunteer firefighters for bodily injury or property damage caused by the firefighters acting in the scope of their duties while on the scene of a fire or other emergency. The civil liability of a volunteer firefighter for:

- (1) an act that is within the scope of a volunteer firefighter's duties; or
- (2) the failure to do an act that is within the scope of a volunteer firefighter's duties;

while performing emergency services at the scene of a fire or other emergency or while traveling in an emergency vehicle from the fire station to the scene of the fire or emergency or from the scene of a fire or emergency back to the fire station is limited to the coverage provided by the insurance policy purchased under this subsection. A volunteer firefighter is not liable for punitive damages for any act that is within the scope of a volunteer firefighter's duties. However, if insurance as required under this subsection is not in effect to provide liability coverage for a volunteer firefighter, the firefighter is not subject to civil liability for an act or a failure to act as described in this subsection.

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